

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LUIS BARAJAS, et al.,

Plaintiffs,

v.

BLUE DIAMOND GROWERS INC., et  
al.,

Defendants.

No. 1:20-cv-00679-NONE-SKO

ORDER DENYING WITHOUT PREJUDICE  
PLAINTIFFS' MOTION TO COMPEL AND  
VACATING HEARING

(Doc. 23)

On September 2, 2021, Plaintiffs Luis Barajas, Maria Vargas, and Elba Vizcaino (collectively, "Plaintiffs") filed a motion to compel discovery responses (the "Motion") from Defendant Blue Diamond Growers Inc. ("Defendant"). (Doc. 23.) The parties filed their "Joint Statement re Discovery Disagreement" directed to the Motion, as required by this Court's Local Rule 251, on September 22, 2021 (the "Joint Statement"). (Doc. 24.)

Local Rule 251 requires that the parties meet and confer in a *good faith* effort to resolve the differences that are the subject of a motion to compel before the motion may be heard. E.D. Cal. L.R. 251(b). Based on the parties' representations in the Joint Statement, it does not appear that the parties have met this requirement. For example, both parties indicate that Defendant made a proposal to provide a sampling of the timekeeping and payroll data sought by Plaintiffs, but no meaningful discussion about this proposal appears to have occurred. (*See* Doc. 24 at 2, 6.) Accordingly, the Motion (Doc. 23) is DENIED WITHOUT PREJUDICE, subject to being renewed after the parties have adequately met and conferred and set forth their differences in a

1 Joint Statement re Discovery Disagreement, in accordance with Local Rule 251. Alternatively,  
2 in the unlikely event that the parties are unable to resolve their dispute, they may avail  
3 themselves of the Court's informal discovery dispute process, set forth in the undersigned's  
4 Court Procedures at:  
5 [http://www.caed.uscourts.gov/caednew/assets/File/SKO%20Web%20Info\\_revised\\_3\\_16\\_2020.p](http://www.caed.uscourts.gov/caednew/assets/File/SKO%20Web%20Info_revised_3_16_2020.pdf)  
6 [df](http://www.caed.uscourts.gov/caednew/assets/File/SKO%20Web%20Info_revised_3_16_2020.pdf). The hearing on the Motion, currently set for September 29, 2021, is VACATED.<sup>1</sup>

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8 IT IS SO ORDERED.

9 Dated: September 27, 2021

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE

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22 <sup>1</sup> The Court notes that the Joint Statement submitted by the parties also fails to comply with Local Rule 251, which provides in part:

23 Each specific interrogatory, deposition question or other item objected to . . . , and the objection  
24 thereto, shall be reproduced in full. The respective arguments and supporting authorities of the  
25 parties shall be set forth immediately following each such objection. When an objection is raised  
26 to a number of items or a general protective order is sought that is related to a number of specific  
items, the arguments and briefing need not be repeated . . . . *All arguments and briefing that would  
otherwise be included in a memorandum of points and authorities supporting or opposing the  
motion shall be included in this joint statement, and no separate briefing shall be filed.*

27 E.D. Cal. L.R. 251(c) (emphasis added). Here, Plaintiffs filed separate briefing (*see* Doc. 23-1), and the Joint  
28 Statement does not follow the aforementioned format (*see* Doc. 24). The parties are advised that any subsequent  
Joint Statement re Discovery must set forth: the details of the conference(s) held regarding the discovery dispute at  
issue, each discovery request that remains in dispute, and the contentions of each party as to each individual request.